

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-168-MR-WCM**

THIS MATTER came for trial and was heard by the undersigned judge, and a jury was empaneled and answered the issues presented as follows:

1. Were the Defendant's actions in arresting the Plaintiff objectively reasonable?

Answer: YES

2. Did the Defendant intentionally use excessive force against the Plaintiff
in:

(a) the manner in which he took her down to the ground?

Answer: [Not answered in light of response to Issue No. 1].

(b) sexually assaulting her?

Answer: [Not answered in light of response to Issue No. 1].

3. Was the Defendant's conduct a legal and proximate cause of injury to the Plaintiff?

Answer: [Not answered in light of response to Issue No. 1].

4. What amount of damages is the Plaintiff entitled to recover?

Answer: [Not answered in light of response to Issue No. 1].

5. Did the Plaintiff defame the Defendant?

Answer: YES

6. What amount of damages is the Defendant entitled to recover?

Answer: \$12,000

Based on the foregoing facts as found by the jury, the Court concludes as a matter of law that the Defendant Chris Dudley is entitled to the protection of qualified immunity and is not liable to the Plaintiff April Ledford under 42 U.S.C. § 1983 for violation of her right to be free from excessive force and that the Plaintiff April Ledford is liable to the Defendant Chris Dudley for defamation under North Carolina law.

The Court previously entered an Order dismissing with prejudice the Plaintiff's claims against the Defendants Hilda Arch, Andrew Bryant, Swain County Sheriff Curtis Cochran, Swain County Sheriff's Department, Swain County Jail, and Tom Sutton pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and dismissing without prejudice the Plaintiff's claims

against Beth McDonald and Daniel Scott Pearson. [Doc. 45]. Shortly before the commencement of the jury trial, the Court on the Plaintiff's motion dismissed with prejudice the Plaintiff's claims against the Defendants Bryson City Police Department and Town of Bryson City. [Text-Only Order March 13, 2023].

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Defendant Chris Dudley is not liable to the Plaintiff April Ledford under 42 U.S.C. § 1983 for violation of her right to be free from excessive force, the Plaintiff shall recover nothing from the Defendant in the form of damages.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff April Ledford is liable to the Defendant Chris Dudley for defamation under North Carolina law, and the Defendant shall recover Twelve Thousand Dollars \$12,000.00 from the Plaintiff in the form of damages.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Arch, Bryant, Cochran, Swain County Jail, and Swain County Sheriff's Department's Motion to Dismiss [Doc. 15] and Defendant Sutton's Motion to Dismiss [Doc. 23] are **GRANTED**; and the claims against Defendants Hilda Arch, Andrew Bryant, Swain County Sheriff Curtis Cochran, Swain County Sheriff's Department, Swain County Jail, and Tom Sutton are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion to Dismiss Defendants Pearson and McDonald is **GRANTED** [Doc. 41]; and the claims against Defendants Beth McDonald and Daniel Scott Pearson are **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion to Correct and Dismiss Two Party Defendants [Doc. 106] is **GRANTED**, and the Plaintiff's claims against the Defendants Bryson City Police Department and Town of Bryson City are **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: March 20, 2023



Martin Reidinger
Chief United States District Judge 